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FILED



2:11 pm, 6/22/21

**UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

**Margaret Botkins
Clerk of Court**

JERAMIE MAKINEN,

Plaintiff,

v.

MICHAEL HANNEL, NUSSBAUM
TRANSPORTATION SERVICES, INC., and
DOES 1-10,

Defendants.

NOTICE OF REMOVAL

Case No. 21-CV-00124-S

Judge

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Michael Hannel (“Hannel”) and Nussbaum Transportation Services, Inc. (“NTS”), by and through their counsel, Snow Christensen & Martineau, hereby give notice of removal of the civil action pending in the Third Judicial District for Uinta County, State of Wyoming, *Makinen v. Hannel, et al.*, Case No. CV-21-64, to this Court. The grounds for removal are as follows:

1. On March 29, 2021, Plaintiff Jeramie Makinen (“Makinen”) filed a complaint against Defendants Hannel and NTS in the Third Judicial District for Uinta County, State of Wyoming, by filing an action entitled *Makinen v. Hannel, et al.*, Case No. CV-21-64. The Complaint is attached as Exhibit 1 to this Notice of Removal.
2. The Complaint alleges only four claims—negligence, negligence per se, respondent (sic) superior, and negligent hiring, training, supervision, and retention—and names two parties as defendants – Hannel, an individual, and NTS, an Illinois corporation.
3. This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a), because there is complete diversity of citizenship between Plaintiff and Defendants and because the amount in controversy exceeds \$75,000, exclusive of interest and costs.
4. Plaintiff Makinen is a resident of the State of Wyoming. Plaintiff Makinen is domiciled in the State of Wyoming. Plaintiff is a citizen of Wyoming.
5. Defendant Hannel is a resident of Illinois. Defendant Hannel is domiciled in the State of Illinois. Hannel is not a resident of nor is he domiciled in Wyoming. Defendant Hannel is a citizen of Illinois.
6. Defendant NTS is a resident of Illinois, where it is incorporated and where it maintains its principal place of business. NTS is not a resident of Wyoming, nor does it transact business there enough to make it at home in the state. NTS is domiciled in Illinois and is not domiciled in Wyoming. Defendant NTS is a citizen of Wyoming. Therefore, there is complete diversity of citizenship between Plaintiff and Defendants in this action.
7. Removal of this action is timely under 28 U.S.C. § 1446(b)(1). Plaintiff’s Complaint

was filed on March 29, 2021, and it was served upon Defendants on May 24, 2021—less than thirty days prior to the date of this removal. Mr. Hannel has not yet been served with a Summons and the Complaint.

8. Notice of this removal is being served this date on Plaintiff's counsel.
9. A true and correct copy of this notice is being filed this date with the Clerk of the Third Judicial District for Uinta County, State of Wyoming.
10. As mentioned above, a copy of the original Complaint is attached as Exhibit 1. This constitutes all process, pleadings, and orders received by the defendant in this matter.
11. Defendants NTS and Hannel jointly consent to removal.

Based on the foregoing, NTS hereby removes the action against it from the Third Judicial District for Uinta County, State of Wyoming, to the United States District Court for the District of Wyoming.

DATED this 22nd day of June, 2021.

SNOW CHRISTENSEN & MARTINEAU



P. Matthew Cox

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of June 2021, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL** to be served the following via electronic mail:

Jeffrey Gooch
JONES WALDO
170 South Main Street, Suite 1500
Salt Lake City, UT 84101
jgooch@joneswaldo.com

/s/ Deidra Sandoval

4815-4883-2751, v. 1